

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE

PFEIFFER ELECTRIC CO., INC.

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CASE NO. 11-34447

CHAPTER 7

JUDGE LETITIA Z. PAUL

APPLICATION FOR PAYMENT OF UNCLAIMED FUNDS

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN TWENTY-ONE (21) DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

**To the Honorable Letitia Z. Paul,
United States Bankruptcy Judge:**

COMES NOW, Marzee W. Pfeiffer, Eugene J. Pfeiffer and Mary A. Woodard (collectively “Movants”) and would show as follows:

A. Jurisdiction

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and arises in and/or under Title 11. Venue is proper in this District pursuant to 28 U.S.C. § 1408.

B. Factual and Procedural Background

2. On May 24, 2011, Pfeiffer Electric Co., Inc. (the “Debtor”) filed for voluntary chapter 7 relief. Randy W. Williams (the “Trustee”) was appointed interim chapter 7 Trustee and thereafter became permanent Trustee.

3. On May 24, 2011, the Debtor filed, among other things, its statement of financial affairs (“SOFA”), which was signed by Elmer Hugh Pfeiffer, Treasurer of the Debtor, under penalty of perjury.

In response to SOFA item 21(b), the Debtor disclosed the following persons as owning five (5) percent or more of the voting or equity securities of the Debtor:

<u>Name Ownership</u>	<u>Title</u>	<u>Nature and Percentage of Stock</u>
Marzee W. Pfeiffer	President/Director	34%
Elmer H. Pfeiffer	Secretary/Treasurer Director	22%
Mary Ann Woodard	-	22%
Eugene J. Pfeiffer	-	22%

4. All corporate documents of the Debtor including, but not limited to, the share register were destroyed in a fire subsequent to the bankruptcy filing. The tax professional employed by the Debtor does not possess any records or information on ownership of the corporation.

5. Sufficient assets were recovered/sold by the Trustee to pay all claims in full with an excess in the amount of \$20,305.59 being left over to return to the Debtor. A check was forwarded to the Debtor in this amount, but was later returned un-negotiated after the Debtor was unable to open a bank account in which to deposit these funds.

6. On September 17, 2014, the Trustee filed a Motion to Pay Funds into the Registry Under 11 U.S.C. § 347(a), seeking to deposit the sums due to the Debtor into the Registry of the Court [Docket No 43].

7. On September 30, 2014, the Court entered an Order authorizing the deposit of the funds due to the Debtor into the Registry of the Court [Docket Number 44]. The Trustee subsequently deposited the \$20,305.59 into the Registry of the Court.

C. Application for payment of Unclaimed Funds

8. Movants, along with the estate of Elmer H. Pfeiffer, are holders of 100% of the outstanding shares of the Debtor. As all creditors of the Debtor have been paid and the Debtor is no longer operating, its assets should be distributed to its shareholders. The Debtor is unable to open a bank account in which to deposit the funds in the Registry of the Court. Accordingly, Movants request that the Court authorize

the Clerk to pay Movants their *pro rata* share of the funds on deposit based upon their percentage ownership of the Debtor as follows:

Name	Percentage of Ownership	<i>Pro rata</i> share of funds on deposit
Marzee W. Pfeiffer	34%	\$6,903.90
Mary Ann Woodard	22%	\$4,467.23
Eugene J. Pfeiffer	22%	\$4,467.23

9. The last remaining 22% of outstanding shares of the Debtor were owned by Mr. Elmer H. Pfeiffer. Mr. Elmer H. Pfeiffer passed away on June 17, 2011, and neither his estate nor his surviving spouse, Donna Jean Pfeiffer, have joined in this application.

10. Affidavits from Marzee W. Pfeiffer, Eugene J. Pfeiffer and Mary A. Woodard in support of the relief sought herein are attached as **Exhibit A**.

WHEREFORE, based on the foregoing, Movants request that the Court order the Clerk to pay Movants their *pro rata* share of the funds on deposit based upon their percentage ownership of the Debtor as set forth herein and for such other and further relief to which they may show themselves entitled.

Respectfully Submitted,

/s/ Marc Douglas Myers

By: _____
 Marc Douglas Myers
 State Bar No. 00797133
 Ross, Banks, May, Cron & Cavin P.C.
 2 Riverway, Suite 700
 Houston, Texas 77056
 (713) 626-1200; (713) 623-6014 fax
 COUNSEL FOR MARZEE PFEIFFER, MARY
 WOODARD AND EUGENE J. PFEIFFER

CERTIFICATE OF SERVICE

This is to certify that on March 10, 2015, a true and correct copy of the foregoing was sent to the Debtor, Counsel for the Debtor, the Trustee, the US Trustee, all creditors, parties in interest and all parties requesting notice, at the addresses set forth below listed below, or in the attached list, via first class mail, postage prepaid, unless otherwise served by CM-ECF.

/s/ Marc Douglas Myers

 Marc Douglas Myers

Goose Creek CISD And Lee College
District
Reid, Strickland & Gillette, L.L.P.
P.O. Box 809
Baytown, TX 77522-0809

Harris County
c/o John P. Dillman
Post Office Box 3064
Houston, TX 77253-3064

Pfeiffer Electric Co., Inc.
516 Milby
Houston, TX 77003-3301

All Stop Food Market
3710 Harrisburg
Houston, Texas 77003-2540

City of Baytown
c/o Randall B Strong
407 W Baker Rd Suite T
Baytown Tx 77521-2377

City of Baytown Health Dept.
P. O. Box 424
Baytown, Texas 77522-0424

E.J.P., Inc.
c/o Reid Strickland & Gillette
Post Office Box 809
Baytown, Texas 77522-0809

Elmer Pfeiffer
2601 S. Broadway Street, Apt. 76
La Porte, Texas 77571-6574

Estate of Arnold Pfeiffer
601 S. Ohio
La Porte, Texas 77571-5533

Eugene J. Pfeiffer
123 Lone Oak
Highlands, Texas 77562

Gillian Electric Supply Inc.
200 York
Houston, Texas 77003

Gladys Pfeiffer Trust
c/o Mary Ann Pfeiffer Woodard
3817 Linkview
Houston, Texas 77025-3517

Goose Creek CISD
Tax Assessor/Collector
4544 I-10 East, P. O. Box 2805
Baytown, Texas 77522-2805

Goose Creek CISD and Lee College
District
Reid, Strickland & Gillette, LLP
P.O. Box 809
Baytown, Texas 77522-0809

Greater East End Management
P.O. Box 230099
Houston, Texas 77223-0099

Harris County
Tax Assessor-Collector
P.O. BOX 4622
Houston, Texas 77210-4622

Harris County et al
c/o John P Dillman
Linebarger Goggan Blair & Sampson
LLP
P.O. Box 3064
Houston, Tx. 77253-3064

IBEW Local 716 and its Trust Funds
c/o Patrick M. Flynn
1225 North Loop West, Suite 1000
Houston TX 77008-1775

Mary Ann Woodard, Trustee
of Gladys Pfeiffer Trust
Reid, Strickland & Gillette, L.L.P.
P.O. Box 809
Baytown, Texas 77522-0809

Marzee W. Pfeiffer
1040 W. Cameron Ave # 17
Rockdale, Texas 76567

Natl Electrical Benefit Fund
2400 Research Blvd., Suite 500
Rockville, MD 20850-3266

Pfeiffer Electric Co., Inc.
1040 W. Cameron Avenue, Apt. 17
Rockdale, Texas 76567-2780

Ratliff & Jentho
606 Rollingbrook Street
Suite 1B
Baytown, Texas 77521-4086

Ronald G. Weisenthal
65 North Meramec, Ste. 301
St. Louis, Missouri 63105

South East Texas Benefit Fund
SETX Chapter of NECA
2825 Wilcrest Drive, Suite 303
Houston, Texas 77042-3489

Southwest Line Constructors
Local Union 66
P.O. Box 20166
Kansas City, Missouri 64195-0166

Tranzon
P O Box 1146
Cypress, TX 77410-1146

US Trustee
Office of the US Trustee
515 Rusk Ave
Ste 3516
Houston, TX 77002-2604

Eugene J Pfeiffer
Reid, Strickland & Gillette, L.L.P.
P.O. Box 809
Baytown, TX 77522-0809

Mary A. Woodard
3817 Linkview
Houston, Texas 77025

Randy W Williams
Thompson & Knight LLP
333 Clay
Ste 3300
Houston, TX 77002-4499

Shelly A Merchant
Attorney at Law
2703 Center Street
Deer Park, TX 77536-4955

Goose Creek CISD And Lee College
District
c/o Stephen H DonCarlos
Reid Strickland & Gillette LLP
1300 Rollingbrook, Ste 407
Baytown, TX 77521

U.S. Attorney
P.O. Box 61129
Houston, TX 77208

U.S. Trustee
515 Rusk Ave., Ste. 3516
Houston, TX 77002

Donna Pfeiffer
2601 S. Broadway
LaPorte, Texas 77571

The Estate of Elmer Pfeiffer
c/o Donna Pfeiffer
2601 S. Broadway
LaPorte, Texas 77571

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CHAPTER 7

JUDGE LETITIA Z. PAUL

AFFIDAVIT

STATE OF TEXAS

COUNTY OF HARRIS

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BEFORE ME ON THIS DAY, the undersigned Notary Public, personally appeared Marzee W. Pfeiffer, who, being by me duly sworn on oath deposed and said that the following statements are within her personal knowledge and are true and correct:

"I, Marzee W. Pfeiffer, am over the age of eighteen (18), I have never been convicted of a felony, am capable in all respects of making this affidavit, and the facts herein stated are true and correct based on my personal knowledge;

"On May 24, 2011, Pfeiffer Electric Co., Inc. (the "Debtor") filed for voluntary chapter 7 relief;

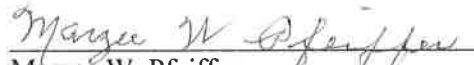
"I am an owner of 34% of all outstanding shares of the Debtor;

"I was the President of the Debtor at the time of the bankruptcy filing and have remained in that capacity to date. All corporate documents of the Debtor including, but not limited to, the share register, were destroyed in a fire subsequent to the bankruptcy filing. The tax professional employed by the Debtor has advised me that he does not possess any records or information on ownership of the corporation.

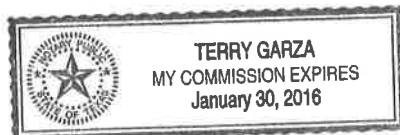
"A check in the amount of \$20,305.59 was received by the Debtor from Randy W. Williams, chapter 7 Trustee of the Debtor during the course of this bankruptcy case. The Debtor was unable to open a bank account in which to deposit this check.

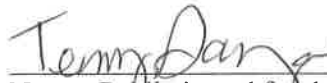
"Elmer H. Pfeiffer passed away on June 17, 2011.

"Further affiant sayeth not."


Marzee W. Pfeiffer

SUBSCRIBED AND SWORN TO before me on this 24 day of February, 2015,
to certify which witness my hand and seal of office




Notary Public in and for the State of Texas

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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JUDGE LETITIA Z. PAUL

AFFIDAVIT

STATE OF TEXAS
COUNTY OF HARRIS

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BEFORE ME ON THIS DAY, the undersigned Notary Public, personally appeared Eugene J. Pfeiffer, who, being by me duly sworn on oath deposed and said that the following statements are within his personal knowledge and are true and correct:

"I, Eugene J. Pfeiffer, am over the age of eighteen (18), I have never been convicted of a felony, am capable in all respects of making this affidavit, and the facts herein stated are true and correct based on my personal knowledge;

"On May 24, 2011, Pfeiffer Electric Co., Inc. (the "Debtor") filed for voluntary chapter 7 relief;

"I am an owner of 22% of all outstanding shares of the Debtor;

"Elmer H. Pfeiffer passed away on June 17, 2011.

"Further affiant sayeth not."


Eugene J. Pfeiffer

SUBSCRIBED AND SWORN TO before me on this 23rd day of February, 2015, to certify which witness my hand and seal of office




Notary Public in and for the State of Texas

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AFFIDAVIT

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BEFORE ME ON THIS DAY, the undersigned Notary Public, personally appeared Mary Ann Woodard, who, being by me duly sworn on oath deposed and said that the following statements are within her personal knowledge and are true and correct:

"I, Mary Ann Woodard, am over the age of eighteen (18), I have never been convicted of a felony, am capable in all respects of making this affidavit, and the facts herein stated are true and correct based on my personal knowledge;

"On May 24, 2011, Pfeiffer Electric Co., Inc. (the "Debtor") filed for voluntary chapter 7 relief;

"I am an owner of 22% of all outstanding shares of the Debtor;

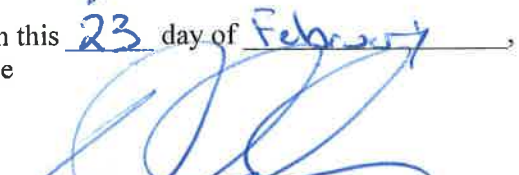
"Elmer H. Pfeiffer passed away on June 17, 2011.

"Further affiant sayeth not."


Mary Ann Woodard

SUBSCRIBED AND SWORN TO before me on this 23 day of February,
2015, to certify which witness my hand and seal of office




Notary Public in and for the State of Texas